

1 William M. Paoli, Esq. (SB No. 163759)  
2 Clarice J. Letizia, Esq. (SB No. 129331)  
3 WENTWORTH, PAOLI & PURDY, LLP  
4 4631 Teller Avenue, Suite 100  
5 Newport Beach, CA 92660  
6 (949) 752-7711/(949) 752-8339 - Fax  
7 [cletizia@wpptriallawyers.com](mailto:cletizia@wpptriallawyers.com)  
8 Attorneys for Plaintiffs, MARCUS R. WHITTEN,  
9 an individual, JILL COX, an individual, and  
10 CASEY GIBSON, an individual, on their own behalf  
11 and on behalf of all others similarly situated, and on  
12 behalf of the general public

13  
14  
15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF OHIO

17 MARCUS R. WHITTEN, an individual,  
18 ELSIE PARKER, an individual, JILL COX,  
19 an individual, CASEY GIBSON, an  
20 individual, on their own behalf and on  
21 behalf of all others similarly situated, and  
22 on behalf of the general public,

CASE NO: 3:10-CV-01914-JZ

PLAINTIFFS' OBJECTION TO NOTICE OF  
DEPOSITION OF PLAINTIFFS' EXPERT  
HOSSEIN BORHANI, PHD

23 Plaintiffs,

24 vs.

25 RIGHTTHING, LLC., a foreign  
26 corporation, TERRY TERHARK, an  
27 individual, AIRS HUMAN CAPITAL  
28 SOLUTIONS, LLC, a foreign corporation,

Defendants.

Plaintiffs hereby object to the Notice of Deposition of Plaintiffs' Expert, unilaterally noticed by defendant for August 18, 2011. Plaintiffs' expert will not be produced for deposition on that date, or on any date prior to the date on which the data subpoenaed from Schedule Source is provided.

As defendant is well aware, defendant has withheld the data that plaintiffs' expert needs to complete his expert analysis. Therefore, plaintiffs had to subpoena the information directly from

1 Schedule Source, and the data will not be provided by Schedule Source until after August 18 2011.  
2 Therefore, plaintiffs' expert will not have completed his analysis on August 18, 2011, the noticed  
3 date, and plaintiffs have sought direction from the magistrate on how to proceed.

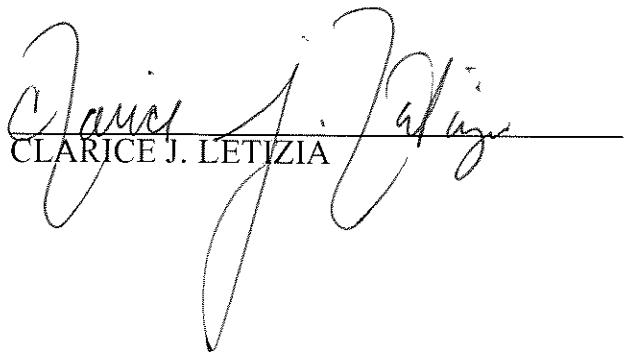
4 DATE: August 11, 2011

Respectfully submitted,

5 WENTWORTH, PAOLI & PURDY, LLP

6 BY:

7 CLARICE J. LETIZIA

A handwritten signature in black ink, appearing to read "Clarice J. Letizia", is written over a horizontal line. The signature is fluid and cursive, with "Clarice" and "Letizia" being the most distinct parts.

1  
2                   **PROOF OF SERVICE**  
3

4                   **STATE OF CALIFORNIA**                   }  
5                   **COUNTY OF ORANGE**                   }  
6

7                   I am employed in the County of Orange, State of California. I am over the age of 18 years  
8 and am not a party to the within action; my business address is 4631 Teller Avenue, Suite 100,  
9 Newport Beach, California, 92660.

10                  On August 11, 2011, I served the foregoing document described as PLAINTIFFS'  
11 OBJECTION TO NOTICE OF DEPOSITION OF PLAINTIFFS' EXPERT HOSSEIN BORHANI,  
12 PHD on all parties in this action by placing a true copy thereof enclosed in a sealed envelope  
13 addressed as follows:

14                   SEE ATTACHED SERVICE LIST

15                   **BY MAIL:** I am readily familiar with the firm's practice of collection and processing  
16 correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on  
17 the same day with postage thereon fully prepaid at Newport Beach, California in the ordinary course  
18 of business. I am aware that on motion of the party served, service is presumed invalid if postage  
affidavit.

19                   **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the offices  
20 of the addressees.

21                   **BY OVERNIGHT COURIER** I caused the envelope, with delivery charges prepaid, to be  
22 sent by \_\_\_\_\_ as indicated on the attached Service List.

23                   **VIA FACSIMILE:** I forwarded a true and correct copy of the above-described documents  
24 to the parties named in the service list via the facsimile numbers listed herein.

25                   **VIA ELECTRONIC MAIL:** By causing the foregoing document to be served electronically  
26 by electronically mailing a true and correct copy through Wentworth, Paoli & Purdy's electronic mail  
27 system to the e-mail address(es), as stated in the attached service list, and the transmission was  
28 reported as complete and no error was reported.

29                   Executed August 11, 2011, at Newport Beach, California.

30                   **(STATE)** I declare under penalty of perjury under the laws of the State of California that the  
31 foregoing is true and correct.

32                   **(FEDERAL)** I declare that I am employed in the office of member of the bar of this court  
33 at whose direction the service was made.

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38



## SERVICE LIST

WHITTEN, et al. v. RIGHTTHING, et al.  
U.S.D.C. Case No.: 3:10-CV-01914-JZ

Attorneys for Defendants,  
**THE RIGHT THING, LLC**  
and **TERRY TERHARK**

Alice S. Wang, Esq.  
Timothy J. Murphy, Esq.  
Fisher & Phillips LLP  
One Embarcadero Center, Suite 2340  
San Francisco, CA 94111  
[awang@laborlawyers.com](mailto:awang@laborlawyers.com)  
[tmurphy@laborlawyers.com](mailto:tmurphy@laborlawyers.com)

Richard A. Millisor, Esq.  
Millisor & Nobil Co. L.P.A.  
9150 South Hills Boulevard  
Suite 300  
Cleveland, OH 44147  
[rmillisor@millisor.com](mailto:rmillisor@millisor.com)